

III. REMARKS

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Bruhn.

Bruhn admittedly speaks about baseband signal processing. However, Bruhn fails to anticipate the fact that simply the selection of a baseband signal processing method would convey meaningful information. This becomes immediately clear from the fact that Bruhn needs to transmit an explicit coding mode indicator to tell the receiver which coding mode has been used. If the selection of the coding mode itself carried some information, which is the case in the present invention, such an indicator would automatically indicate also the piece of information that was meant so there would be no need to convey such information through the selection of a coding mode.

Consider a figurative example. Let us assume that there are two pairs of friends: Mr. Inventor and Mr. Inventorsfriend, as well as Mr. Bruhn and Mr. Bruhnsfriend. In each case, the former sends a message to the latter via ordinary mail. Mr. Inventor picks a yellow paper, writes a message "Please join me for dinner" on it, seals it into an envelope and mails it. Picking the yellow paper equals selecting the baseband processing method in the actual invention we are discussing. Mr. Inventorsfriend receives the letter, opens the envelope (=converts the RF signal to baseband), reads the message and observes the color of the paper (=takes note of which baseband processing method has been selected). He immediately knows that Mr. Inventor will cook fish for dinner, because they have agreed upon certain correspondence between paper colors (=baseband signal processing methods) and dinner courses (=features of the transmitting station) beforehand:

yellow means fish, red means beef, green means vegetarian etc. Note that Mr. Inventorsfriend could not have received any hint about getting fish for dinner through any other means than observing the color of the paper. In other words, the mere selection of a paper color (=baseband signal processing method) conveys meaningful information to the recipient.

Mr. Bruhn also picks a yellow paper and writes "Please join me for dinner" on it. However, he also writes "This message has been written on a yellow paper" on top of the paper. When Mr. Bruhnsfriend receives the letter and opens the envelope, he does not need to waste time in wondering, what color the paper might have because he can immediately read it from the top line. In other words, Mr. Bruhn's message also includes a mode indicator indicating the baseband processing mode which Mr. Bruhn has used. However, neither the indicator nor the selection of a paper color (=baseband processing mode) tells Mr. Bruhnsfriend anything about what they might be eating because he does not have any prior agreement about such things with Mr. Bruhn. By either observing the indicator or trying all possible colors (baseband processing modes) until a match is found, the recipient learns that the message has been written onto a yellow paper, but nothing else. This information does not increase Mr. Bruhnsfriend's knowledge about Mr. Bruhn or his capabilities so it cannot be regarded as meaningful information.

The independent claims have been amended to recite that the second piece of information indicates capabilities of a transmitter for the first and second pieces of information. Since this is not disclosed by Bruhn, the rejection of claims 1-4 under 35 USC 102 on Bruhn should be withdrawn.


Further, since this feature is not suggested by Bruhn, these claims are unobvious over it.

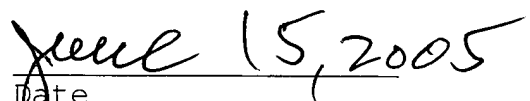
New dependent claims 5-8 recite the details of the selecting means or process. Since these details are not disclosed or suggested by Bruhn, these claims are patentable for this additional reason.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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